

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23820 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“....to issue a Writ Order or Director one in the nature of WRIT OF MANDAMUS or any other Writ declaring the action of Respondent Nos.2 to 5 in attempting to dispossess and demolish the property bearing H.No. 61486/A/1/A, Mahabharat Nagar, Khairatabad, Hyderabad, Telangana, as illegal and consequently direct the Respondents not to demolish the above mentioned property pending disposal of the application dated 04/01/2016 made for regularization of layout and building.”

Learned counsel for the petitioner submits that the authorities shall follow due process even for eviction of an encroacher, as per the judgment of the Apex Court in **Meghmala and others v. G. Narasimha Reddy and others**¹.

As can be seen from the material placed by the petitioner, LRS/BRS application filed by her came to be rejected and on 11.01.2018, the Deputy Commissioner, Circle No.17, C.Z., GHMC, issued a notice to her under Section 636 of Greater Hyderabad Municipal Corporation Act, 1955, for removal of the subject premises. The same has become final. Once BRS/LRS application of the petitioner is rejected holding that she does not have title over the property and constructions made by her are in

¹ 2010(6) Supreme 321

violation of the municipal laws, the contention of the learned counsel for the petitioner that due procedure has not been followed by the municipal authorities cannot be sustained. From the aforesaid notice, it is evident that the municipal authorities have followed due procedure before issuance of such notice to her.

In those circumstances, the petitioner is not entitled to the relief sought by her.

Accordingly, this Writ Petition is dismissed.

At this stage, the learned counsel for the petitioner states that pursuant to the directions issued by this Court earlier, the petitioner has filed an undertaking affidavit to vacate and handover the subject premises to the Municipal Corporation within three (3) months.

In those circumstances, the petitioner shall vacate and handover the subject premises to the Municipal Corporation by 25.02.2020 and that the respondent authorities are directed not to disturb the possession of the petitioner with respect to the subject premises till then.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

11th NOVEMBER, 2019.
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